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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In Re:

MELANI SCHULTE and  
WILLIAM SCHULTE,

2704 SATTLEY LLC,  
HOT ENDEAVOR LLC,  
1341 MINUET LLC,  
1708 PLATO PICO LLC,  
2228 WARM WALNUT LLC,  
9425 VALLEY HILLS LLC,  
9500 ASPEN GLOW LLC,  
5218 MISTY MORNING LLC,  
CHERISH LLC,  
SABRECO INC.,  
KEEP SAFE LLC,

Debtors.

Case No. 09-29123-MKN

Chapter 11

Jointly Administered with:

09-27238-MKN  
09-27909-MKN  
09-27910-MKN  
09-27911-MKN  
09-27912-MKN  
09-27913-MKN  
09-27914-MKN  
09-27916-MKN  
09-28513-MKN  
09-31584-MKN  
09-31585-MKN

Date: February 09, 2022  
Time: 9:30 a.m.

**REPLY TO OPPOSITION TO MOTION TO COMPEL DISCOVERY OF  
SHELLPOINT MORTGAGE SERVICING AND THAT DEBTORS REQUEST FOR  
PRODUCTION BE RESPONDED TO PROPERLY AND FOR ATTORNEYS FEES**

COMES NOW, Debtor, Melani Schulte ("Schulte" or "Debtor"), and files this Reply to NewRez LLC dba Shellpoint Mortgage Servicing ("Shellpoint"), Opposition to Debtor's Motion to Compel Discovery of Shellpoint Mortgage Servicing and that Debtors Request for Production be Responded to Properly and for Attorney's Fees.

## I Overview

Shellpoint's opposition, is no better than its actual responses to Schulte's requests, in that it fails to provide even a minimal defense for its actions. Instead, Shellpoint's opposition makes three generic arguments. First, that Schulte's request for production is vague, ambiguous and lacks relevance. Second, the information is confidential and proprietary. And third, its responses were satisfactory. But, as explained below, none of these adequately address Schulte's motion to compel.

## II Argument

To start with, Schulte has explained numerous times to Shellpoint's counsel that her simple request for its Bankruptcy Policy and Procedure Manuals, for certain years, when one of the loans it services is in bankruptcy, is a clear and relevant request. As is Schulte's request for the meaning of the codes it uses in its loan notes.

Then, without any citation to a case holding that Bankruptcy Policy and Procedure Manuals are in fact, confidential and proprietary, Shellpoint attempts to hide behind these buzzwords in unilaterally refusing to produce the manuals. So, without any backup, this argument also fails. Besides, if in fact there was some type of legitimate confidentially or proprietary reason for withholding them, Shellpoint could have brought that to the court's attention *months* ago when these documents were initially requested. And Shellpoint itself could have sought some relief from the court, but failed to do so.

Finally, Shellpoint's responses in no way satisfied its obligations. Boilerplate objections do not provide an appropriate excuse to not accede to Schulte's requests. Not surprisingly, no evidence is offered by Shellpoint to support any of its contentions. Thus, Schulte's motion should be granted.

**II**  
**Conclusion**

Shellpoint should not be rewarded for failing to produce Schulte's simple request for documents. In addition, attorney fees and costs should be awarded for having to get the Court to intervene.

DATED this 2<sup>nd</sup> day of February, 2022.

RESPECTFULLY SUBMITTED:

/S/CHRISTOPHER P. BURKE, ESQ.  
CHRISTOPHER P. BURKE, ESQ.  
Attorney for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that the 2<sup>nd</sup> day of February, 2022, I caused the above and foregoing  
REPLY TO OPPOSITION TO MOTION TO COMPEL DISCOVERY OF SHELLPOINT  
MORTGAGE SERVICING AND THAT DEBTORS REQUEST FOR PRODUCTION BE  
RESPONDED TO PROPERLY AND FOR ATTORNEYS FEES to be sent by electronic notice  
through the Court's ECF program and depositing same in the United States Mail, first class,  
postage prepaid, in a securely sealed envelope and addressed to the last known address of  
the following:

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